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*Attorneys for Defendants*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,  
*ex rel.*  
Aaron Fisher, Risa Cohen, John Gutzwiller,  
Debrah Hartman, Cynthia Limon, and  
Catherine Nowak,

Plaintiffs,

vs.

IASIS Healthcare LLC,  
a Delaware Limited Liability Company;  
Health Choice of Arizona, Inc.,  
a Delaware Corporation,

Defendants.

**Civil Action No.**

**CV 15-00872-PHX-JJT**

**MOTION FOR DISMISSAL**

1 Come now the Plaintiff-Relators, Aaron Fisher, Risa Cohen, John Gutzwiller,  
 2 Debrah Hartman, Cynthia Limon, and Catherine Nowak (“Relators”), by their  
 3 undersigned counsel, pursuant to 31 U.S.C. § 3730(b)(1), and move this Court for entry  
 4 of an Order dismissing all remaining claims against all remaining defendants with  
 5 prejudice as to Relators, and without prejudice as to the United States of America. As  
 6 grounds for this motion, the parties state as follows:

7 1. This is a *qui tam* action filed under the federal False Claims Act,  
 8 31 U.S.C. §§ 3729, *et seq.*, on May 14, 2015. On January 27, 2016, the United States  
 9 filed its *Notice of Election to Decline Intervention*.

10 2. On November 9, 2016, the Court dismissed with prejudice Counts I, III,  
 11 and IV of the operative Third Amended Complaint, as well as all claims against all  
 12 entities other than Health Choice and IASIS.

13 3. Under the terms of the settlement agreement, Relators have agreed to  
 14 dismiss WITH PREJUDICE Count II, their sole remaining Count. The dismissal of  
 15 Count II is WITHOUT PREJUDICE as to the United States.

16 4. The United States, which elected not to intervene in this action, has  
 17 notified the Parties that it agrees to the dismissal of this action under 31 U.S.C.  
 18 3730(b)(1) with prejudice as to Relators and without prejudice as to the United States.

19 5. For the foregoing reasons, the Parties respectfully request that the Court  
 20 enter an order in the form of the proposed order submitted concurrently herewith.

21 6. Relators’ signed consents to this dismissal are attached hereto.

22 Dated: March 26, 2019

Respectfully submitted,

23 *Attorneys for Qui Tam Plaintiffs/Relators*

24 By: /s/ David J. Chizewer

25 David J. Chizewer

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28 Harleen Kaur

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*Attorneys for Defendants IASIS and Health Choice*

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3. Under the terms of the settlement agreement, Relators have agreed to dismiss WITH PREJUDICE Count II, their sole remaining Count. The dismissal of Count II is WITHOUT PREJUDICE as to the United States.


4. The United States, which elected not to intervene in this action, has notified the Parties that it agrees to the dismissal of this action under 31 U.S.C. 3730(b)(1) with prejudice as to Relator and without prejudice as to the United States.

5. For the foregoing reasons, the Parties respectfully request that the Court enter an order in the form of the proposed order submitted concurrently herewith.

Dated: 2/19/19  
2/9/19

Respectfully submitted,


*Qui Tam Plaintiffs/Relators*

By:   
Aaron Fisher

By: \_\_\_\_\_  
Risa Cohen

By: \_\_\_\_\_  
John Gutzwiller

By: \_\_\_\_\_  
Debrah Hartman

By:   
Cynthia Limon

By: \_\_\_\_\_  
Catherine Nowak

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1. This is a *qui tam* action filed under the federal False Claims Act, 31 U.S.C. §§ 3729, *et seq.*, on May 14, 2015. On January 27, 2016, the United States filed its *Notice of Election to Decline Intervention*.

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Dated: \_\_\_\_\_ Respectfully submitted,

*Qui Tam Plaintiffs/Relators*

By: \_\_\_\_\_

Aaron Fisher

By:  \_\_\_\_\_

Risa Cohen

By: \_\_\_\_\_

John Gutzwiller

By: \_\_\_\_\_

Debrah Hartman

By: \_\_\_\_\_

Cynthia Limon

By: \_\_\_\_\_

Catherine Nowak

*Attorneys for Qui Tam Plaintiffs/Relators*

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5. For the foregoing reasons, the Parties respectfully request that the Court enter an order in the form of the proposed order submitted concurrently herewith.

Dated: 2/11/19

Respectfully submitted,

*Qui Tam Plaintiffs/Relators*

By: \_\_\_\_\_  
Aaron Fisher

By: \_\_\_\_\_  
Risa Cohen

By: \_\_\_\_\_  
John Gutzwiller

By: \_\_\_\_\_  
Debrah Hartman

By: \_\_\_\_\_  
Cynthia Limon

By: \_\_\_\_\_  
Catherine Nowak

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5. For the foregoing reasons, the Parties respectfully request that the Court enter an order in the form of the proposed order submitted concurrently herewith.

Dated: 2-18-19

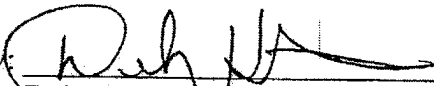
Respectfully submitted,

*Qui Tam Plaintiffs/Relators*

By: \_\_\_\_\_  
Aaron Fisher

By: \_\_\_\_\_  
Risa Cohen

By: \_\_\_\_\_  
John Gutzwiller

By:  \_\_\_\_\_  
Debrah Hartman

By: \_\_\_\_\_  
Cynthia Limon

By: \_\_\_\_\_  
Catherine Nowak

Dated: \_\_\_\_\_ Respectfully submitted,

*Qui Tam Plaintiffs/Relators*

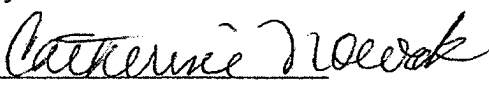
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By:   
Catherine Nowak

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Chicago, Illinois 60603  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document filed through the CM/ECF system on March 26, 2019 will be sent electronically to the registered participants identified on the Notice of Electronic Filing.

By: /s/ David J. Chizewer